

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-20 are currently pending. Claims 1-3, 5-7, 9-11, and 13-15 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,694,051 to Yamazoe et al. (hereinafter “the ‘051 patent”).

Amended Claim 1 is directed to an image processing apparatus, comprising: (1) an image input device configured to input image data; (2) an image condition determining device configured to determine whether the input image data input by said image input device is in a true backlight condition or in a halation condition; and (3) a processing device configured to perform a specific process on the input image data based on the condition of the input image data determined by said image condition determining device. Further, Claim 1 has been amended to clarify that the image condition determining device is configured to generate a histogram showing a luminance of the image data based on the input image data and to determine whether the histogram is perfectly polarized, indicating the true backlight condition. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-4) are rendered moot by the present amendment to Claim 1.

Regarding the rejection of Claim 1, the ‘051 patent is directed to an image processing method for accurately reproducing image colors. In particular, the ‘051 patent discloses that

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<sup>1</sup> See, e.g., Figures 3-5 and the discussion in the specification related thereto.

a histogram of an original image is obtained and a highlight point on the histogram is selected based by comparing peaks of the histogram. Further, the '051 patent determines whether a backlight scene is present based on the equation shown in column 12, line 5. Specifically, the '051 patent detects a backlight scene by comparing the sum of frequencies at luminance values 225-240 and the sum of frequencies at luminance values 241-255. However, Applicants respectfully submit that the '051 patent fails to disclose an image condition determining device configured to determine whether a luminance histogram is perfectly polarized, indicating the true backlight condition. Rather, as shown in Figure 8 of the '051 patent, the '051 patent determines a backlight condition by detecting whether the frequency increases at a particular rate for high luminance values. Accordingly, Applicants respectfully submit that amended Claim 1 (and dependent Claims 2-4) patentably defines over the '051 patent.

Independent Claims 5, 9, and 13 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 5, 9, and 13 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 5, 9, and 13 (and all associated dependent claims) are rendered moot by the present amendment to independent Claims 5, 9, and 13.

Thus, it is respectfully submitted that independent Claims 1, 5, 9, and 13 (and all associated dependent claims) patentably define over the '051 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

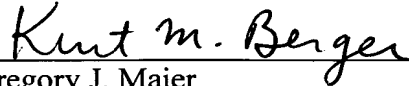
Respectfully submitted,

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